

COMMONWEALTH OF KENTUCKY

Kentucky Department of Education

Consolidated Compliance Plan

For

Non-Discrimination in

The Age Discrimination Act of 1975
Title II, Title VI and Title VII and Title IX

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I. Glossary of Terms

Compliance Coordinator: KDE employee designated to coordinate all Title II, VI, VII and IX activities of KDE.

Consolidated Compliance Plan: Plan developed and maintained by KDE to ensure compliance with the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI and Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and KRS 344.015.

Discrimination: Treatment taken toward or against a person of a certain group in consideration based solely on class or category.

Recipient: individual or organization federal funds are intended.

II. Overview of the Kentucky Department of Education

The Kentucky Department of Education (KDE) is a service agency of the Commonwealth of Kentucky. The KDE provides resources and guidance to Kentucky's public schools and districts as they implement the state's P-12 education requirements. The KDE also serves as the state liaison for federal education requirements and funding opportunities.

The KDE is an agency of the state Education and Workforce Development Cabinet. The KDE is led by an appointed Commissioner of Education, who answers to the 11-member Kentucky Board of Education. Offices are administered by associate commissioners, and divisions within those offices are administered by division directors.

The KDE's mission is to prepare all Kentucky students for next-generation learning, work and citizenship by engaging schools, districts, families and communities through excellent leadership, service and support.

The Kentucky Board of Education does not discriminate on the basis of race, color, national origin, sex, sexual orientation, religion, age, gender identity, genetic information, political affiliation, veteran status, or disability in employment or the provision of services.

A. Purpose or Mission Statement

No person in Kentucky shall, on the grounds of age, disability, race, color, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

All recipients of federal assistance through the KDE will certify that they will comply with all federal statutes relating to the Age Discrimination Act of 1975; Title II of the Americans with Disabilities Act prohibiting discrimination on the basis of disability; Title VI of the Civil Rights Act of 1964 prohibiting discrimination on the basis of race, color or national origin, including national origin discrimination affecting Limited English Proficiency (LEP) persons; and Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of sex. Furthermore, the KDE certifies that all staff will comply with all federal and state statutes relating to the Title VII of the 1964 Civil Rights Act, Executive Order 2008-473, and KRS 18A.138.

III. Scope of Applicability to Programs and Activities

The KDE affords all individuals the opportunity to benefit from programs administered by the agency and that receive federal funds.

The Age Discrimination Act of 1975 and its implementing regulations prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. This law does not permit the use of certain age distinctions and factors other than age that meet the law's requirements.

Title II of the Americans with Disabilities Act and its implementing regulations provide that no person shall be subjected to discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance. The 1994 General Assembly of the Commonwealth of Kentucky enacted Senate Bill 248 requiring state agencies to develop Title VI implantation plans by January 1, 1995. Presidential Executive Order 13166 implemented on August 11, 2000 required agencies and programs to ensure that federally funded activities be accessible to all persons, who as a result of national origin, are not proficient or are limited in their ability to communicate in the English language. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The KDE provides that federally assisted programs and activities are effective for all beneficiaries, including those with limited English proficiency.

Title VII of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination by covered employers on the basis of race, color, religion, sex, or national origin. Title VII has also been supplemented to prohibit discrimination based on pregnancy, age, and disability discrimination.

Title IX of the Education Amendments of 1972 and its implementing regulations provide that no person shall be subjected to discrimination based on sex under any program or activity that receives federal financial assistance.

Recipients of federal funding are prohibited from discriminating on the basis of age, disability, race, color, national origin or sex by:

- denying a person any service, financial aid or benefit extended under a program;
- providing any service, aid or benefit to a person that is different in kind or manner from that provided to others under the program;
- subjecting a person to segregation or other discriminatory treatment in any manner related to the receipt or non-receipt of the service, aid or benefits;
- restricting a person in any way from enjoying services, facilities or any other advantage, privilege, property or benefit provided to others under the program;

- treating a person differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition that people must meet to receive any service, aid or benefit;
- denying or affording a person an opportunity to participate in a program (including the opportunity to participate as a recipient or contractor) in a way that is different from that afforded to others in the program; or
- denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

The KDE's Consolidated Compliance Plan complies with the provisions of Executive Order 13166, August 11, 2000, Improving Access to Services for Persons with Limited English Proficiency.

IV. Responsible Official (Compliance Coordinator)

The Commissioner of the KDE has overall responsibility for compliance with the provisions of the Age Discrimination Act of 1975, Title II, Title VI, Title VII, and Title IX. The day-to-day responsibilities to oversee, implement, monitor, and enforce the KDE Consolidated Compliance Plan is assigned to the Division of Resource Management. Inquiries related to compliance activities should be directed to:

Compliance Coordinator
 Rebecca Ogden, Assistant Director
 Division of Resource Management
 Kentucky Department of Education
 500 Mero Street, 16th Floor Capital Plaza Tower
 Frankfort, Kentucky 40601
 Phone: 502/564-3716 Ext. 4315
Rebecca.ogden@education.ky.gov

V. Statement of Assurances

The KDE complies with the Age Discrimination Act.

The KDE complies with Title II of the Americans with Disabilities Act.

The KDE complies with Title VI of the Civil Rights Act of 1964, the requirements of KRS 344.015 in regard to federal programs, and Executive Order 13166 of August 11, 2000, Improving Access to Services for Persons with Limited English Proficiency.

The KDE complies with Title VII of the Civil Rights Act of 1964, Kentucky Executive Order 2013-841 and KRS 18A.138.

The KDE complies with Title IX of the Education Amendments of 1972.

All recipients of federal funding through KDE must sign a non-discrimination clause prior to receiving any federal loan, contract, or grant. In signing this clause, the recipient certifies that it will comply with all federal statutes relating to non-discrimination. These include, but are not limited to the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin, and Title IX of the Education

Amendments of 1972. A copy of the assurance required to be signed by all public Kentucky Public School Districts can be located on KDE's website:

<http://education.ky.gov/districts/fin/Pages/Comprehensive-District-Improvement-Plan-Funding-and-Finance.aspx>

VI. Programs or Activities Subject to Compliance Plan

The KDE receives Federal funds from the No Child Left behind Act (NCLB) of 2001-Elementary and Secondary Education Act of 1965, The Stewart B. McKinney Homeless Assistance Act, the Carl D. Perkins Applied Technology and Vocation Education Act of 1990, the Individuals with Disabilities Education Act (IDEA), the National School Lunch Program, and the American Reinvestment and Recovery Act (ARRA). The programs have various subcategories, which specify funds for particular purposes. The KDE sub-grants federal funds to recipients for the operation of the specific programs.

All recipients of federal funds will be required to comply with the Age Discrimination Act of 1975, Title II, Title VI and Title IX guidelines. Where authorized by federal law, all private schools wishing to participate in these programs are allowed on an equitable basis.

A. Title I, Part A

This is the largest federal program providing funds to local districts through the state department of education. The purpose is to ensure all children have a fair, equal and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and assessments. The funds may be used for a variety of purposes such as salaries for teachers to improve instruction, instructional materials, parent involvement activities and professional development. This program awards funds to all public school districts and beneficiaries include the at-risk students in the districts.

B. Title I, Part A, School Improvement Section G

School Improvement Grants under Section 1003(g) of the Elementary and Secondary Education Act of 1965 are grants to state educational agencies (SEAs). SEAs, in turn make sub grants to local educational agencies (LEAs) that demonstrate the greatest need and the strongest commitment to use the funds to provide adequate, needs-based resources in order to raise the achievement of students in their Priority Schools. The program covers 22 schools in 10 districts and the beneficiaries include all students in the served schools.

C. Title I, Part C, Migrant Education

The purpose of the program is to support high quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves. It serves children of families meeting the statutory definition of migrant and provides supplemental services such as tutoring and health care, which remove barriers to success in school.

D. Title I, Part D, Neglected/Delinquent

The purpose of the program is to improve educational services for children and youth in local and state institutions for neglected or delinquent children and youth, so that such children and youth have the opportunity to meet the same challenging state academic content standards and challenging state student

academic achievement standards that all children in the state are expected to meet. These funds may be used for a variety of purposes such as providing students with the knowledge and skills needed to make a successful transition to secondary school completion, vocational or technical training, further education and employment. This program covers all eligible facilities and the beneficiaries include all eligible students in these facilities.

E. Title X, Part C Stewart B. McKinney Homeless Education

The purpose of the program is to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths. Competitive grants to address the needs of homeless students in districts with high poverty and high homeless count are held every 3 years. This program covers seventeen public school districts and the beneficiaries include homeless students in the districts that receive assistance under the McKinney Vento Homeless Education Act grant.

F. Title II, Part A, Improving Teacher Quality

The KDE assists districts and schools with securing the talents and skills of the highest quality professionals for every classroom, school, and district in Kentucky. The allocations to local districts are designed to:

- (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and
- (2) require local educational agencies and schools to be accountable for improvements in student academic achievement.

To date Kentucky has 99% of the educator workforce identified as highly qualified. Current work includes the revision of the state Title II part A plan, creating a comprehensive system to measure teacher effectiveness and building instructional capacity in low to moderately performing schools and districts.

G. Title II, Part B Math Science Partnerships

Competitive grants for partnerships between high need school districts and higher education institution/s' Science, Technology, Engineering and/or Mathematics departments to improve content knowledge and pedagogy in mathematics and/or science. Competitions are held annually and awards are for projects lasting 2-3 years.

H. Title II, Part C, Perkins

The Carl D. Perkins Career and Technical Education Improvement Act is designed to improve and expand services for students enrolled in career and technical education programs. The Act defines career and technical education programs as organized educational activities that offer a sequence of progressive courses composed of both academic and technical content.

Perkins funds are available to all school districts based upon a formula outlined in the law. The sole fiscal agent for Carl D. Perkins funding is the Office of Career and Technical Education, Department of Workforce Investment.

I. Title III, English Language Acquisition

Formula grant for the Title III program, "English Language Acquisition, Language Enhancement, and Academic Achievement Act" of NCLB (2001), to help ensure that children who are limited English proficient (LEP), including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and achievement standards as all children are expected to meet. The beneficiaries include districts and consortia that meet the eligibility requirements for a subgrant under section 3114(d) (1) to carry out the activities described in Section 3115(e), such as translator services, tutoring, and instructional materials.

Funding is utilized to assist English language learners, via translator services, English as a Second Language classes, tutoring etc.

J. Title IV, Part B, 21st Century After School Learning Centers

Competitive grants are provided through these funds for local school districts, community and faith-based organizations as well as other qualifying private and governmental organization to design and implement effective after school programs that improve student achievement.

K. Title VI, Part B, Rural Education Achievement Program

The purpose of the programs are to address the unique needs of rural school districts that frequently lack the personnel and resources needed to compete effectively for federal competitive grants, and receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

- Subpart 1-Small, Rural School Achievement Program-The U. S. Department of Education awards these funds directly to public school districts that qualify. Districts may use the funds for the same purposes found in Title I Part A, Title II Parts A or D, Title III, and Title IV Parts A or B. This program covers ten public school districts and the beneficiaries include all students in these districts.
- Subpart 2- Rural and Low-Income School Program- These funds are a flow-through to qualifying public school districts. Funds may be used for teacher recruitment and retention, professional development, educational technology, parental involvement activities, activities authorized under Title I Part A, Title IV Part A and Title III. This program covers 101 public school districts and the beneficiaries include all students in the districts.

L. Advanced Placement Test Fee/Advancement Placement Incentive Program

The Advanced Placement Test Fee program provides awards to enable States to cover all or part of the cost of test fees for students from low-income families who are enrolled in advanced placement classes. The Elementary and Secondary Education Act requires the Secretary to give priority to funding the Advanced Placement Test Fee program, with remaining funds allocated to Advanced Placement Incentive Grants.

The Advanced Placement Incentive program provides grants to eligible entities for activities that increase the participation of students from low-income families in both pre-advanced placement and advanced placement courses and tests, including teacher training and course development, coordination, and articulation.

M. IDEA Part B Special Education-Grants to States

The purpose is to assist the State and local education agencies in providing special education and related services to all children with disabilities. Funds are used by the State and local educational agencies, in accordance with the IDEA, to help provide the special education and related services needed to make a free appropriate public education available to all eligible children and, in some cases, to provide early intervening services. These are funds for technical assistance (training, supplementary materials for schools) and consultative resources on exceptional children (reading, math, behavioral, areas of disability) to fulfill requirements of state performance plan.

N. IDEA Part B Special Education – Preschool Grants

Funds to assist State and local education agencies in providing special education and related services to children with disabilities ages 3 through 5 years, and at a State's discretion, to 2- year- old children with disabilities who will reach age three during the school year. These are funds for identification and services to ensure preschool children with IEPs demonstrate improved positive social/emotional skills (including relationships) and improved acquisition of knowledge and skills.

O. National School Lunch Program

This program provides free or reduced breakfast and lunch to students who meet certain income guidelines.

P. Race to the Top

The purpose is to assist that have made significant progress in improving the equitable distribution of qualified teachers; establishing longitudinal data systems; enhancing the quality of assessments; improving academic content and achievement standards; and providing effective support to schools identified for corrective action and restructuring. States receiving an incentive grant shall use at least 50 percent of its grants to provide school districts with sub-grants based on their most recent relative Title I allocations.

Q. Special Education-Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities

The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

R. Special Education-State Personnel Development

To assist State educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational and transition services, to improve results for children with disabilities. As used in this program, personnel means special education teachers, regular education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities, except where a particular category of personnel, such as related services personnel, is identified.

S. American Recovery and Reinvestment Act (ARRA) Title I, Part A Section 1003g;

President Obama signed this act into law on February 17, 2009. Kentucky began receiving funds in April 2009. These are one time allocations for the programs listed that are to be used following the guidelines for

the specified programs. A quarterly report is submitted to the Federal government. The funding is available through September 2013.

T. Federal Program Chart

Federal Program	CFDA#	Type of Assistance	Manner of Deliver	Coverage/Potential Beneficiaries
Title I - Part A	84.010	Formula Grant	Reimbursement	Local education agencies
Title I, Part A School Improvement Section G	84.377	Formula Grant	Reimbursement	Local education agencies
Title I, Part C, Migrant Education	84.011	Formula Grant	Reimbursement	Local education agencies
Title I, Part D, Neglected/Delinquent	84.013	Formula Grant	Reimbursement	Local education agencies
Title II, Part A, Improving Teacher Quality	84.367	Formula Grant	Reimbursement	Local education agencies
Title II, Part B Math Science Partnerships	84.366	Formula Grant	Reimbursement	Local education agencies/universities/educational cooperatives
Title II C, Vocational and Technical Education	84.048	Formula Grant	Reimbursement	Local education agencies/universities/
Title III, English Language Acquisition	84.365	Formula Grant	Reimbursement	Local education agencies
Title IV, Part B, 21st Century After School Learning Centers	84.287	Formula Grant	Reimbursement	Local education agencies/universities/non-profit entities
Title VI, Part B, Rural Education Achievement Program	84.358	Formula Grant	Reimbursement	Local education agencies
Title X, Part C Stewart B. McKinney Homeless Education	84.196	Formula Grant	Reimbursement	Local education agencies
IDEA Part B Special Education – Preschool Grants	84.173	Formula Grant	Reimbursement	Local education agencies and universities

IDEA Part B Special Education-Grants to States	84.027	Formula Grant	Reimbursement	Local education agencies, educational cooperatives and universities
National School Lunch Program	10.556 10.558 10.559 10.560 10.579 10.582	Formula Grant	Reimbursement	Local education agencies, child care centers and adult care centers
Race To The Top	84.413	Project Grant	Reimbursement	Local education agencies
Special Education Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities-Deaf-Blind	84.326	Project Grant	Reimbursement	Universities
Special Education-State Personnel Development	84.323	Project Grant	Reimbursement	Universities and educational cooperatives
Advanced Placement Test Fee/Advancement Placement Incentive Program	84.330	Project Grant	Reimbursement	Local education agencies
ARRA, Title I, Part A School Improvement Section G	84.388	Formula Grant	Reimbursement	Local education agencies

VII. Complaint Procedures

Any person alleging discrimination based on age, disability, race, color, sex, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status by the KDE or its staff has a right to file a complaint with KDE. The KDE is a conduit for federal money to the local school districts and ensures the local school districts' compliance with federal financial grants; however complaints alleging discrimination based on age, disability, race, color, sex, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status by the local school districts or its staff should be directed to the local level and handled pursuant to local board policy.

A. Filing of Complaints

Complaints alleging discrimination under the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, or Title IX of the Education Amendments of 1972 by the KDE or its staff may be filed with:

Compliance Coordinator
Rebecca Ogden, Assistant Director
Division of Resource Management
Kentucky Department of Education
500 Mero Street, 16th Floor Capital Plaza Tower
Frankfort, Kentucky 40601
Phone: 502/564-3716 Ext. 4315
Rebecca.ogden@education.ky.gov

All complaints must be put into writing. Complaints must be filed within one hundred eighty (180) calendar days of the alleged discrimination and should contain the following information:

- Name, address, and telephone number of the complainant if known;
- The location and name of the entity delivering the service;
- The nature of the incident that led the complainant to feel discrimination was a factor.
- The basis of the complaint, i.e. race, color or national origin.
- Names, addresses and phone numbers of people who may have knowledge of the event;
- The date or dates on which the alleged discriminatory event or events occurred.

B. Complaint Process

Upon receipt of the complaint by an individual or at the time the compliance coordinator becomes independently aware of the actions that may constitute a violation of the Age Discrimination of 1975, Title II, VI, VII, or IX the compliance coordinator shall send an acknowledgement of the complaint and shall investigate the claim. The compliance coordinator will render a determination and recommend specific actions to resolve the complaint within ninety (90) calendar days of receipt. The compliance coordinator shall file a report to the KDE's Office of Guiding Support Services.

Any complaints received by the compliance coordinator will be maintained in a log including date of receipt, determination, and action taken. The complaint log will be retained for a period of no less than four (4) years. Within thirty (30) calendar days of the completion of the investigation, the complainant shall be notified in writing the results of the investigation and any actions taken. The KDE shall maintain the confidentiality of the complaint and the name of the complainant.

Any corrective actions shall be implemented within thirty (30) calendar days of receipt and acceptance of a final report by the compliance coordinator.

C. Withdrawal of Complaint

The complainant may withdraw his/her complaint at any time during the process by notifying the compliance coordinator in writing.

D. Appeals

The complainant may file a written appeal of the compliance coordinator's resolution of the complaint within thirty (30) calendar days of the receipt of the written notice of resolution. Appeals shall be filed with the KDE's General Counsel, Office of Guiding Support Services, 500 Mero Street, CPT 131, Frankfort, Kentucky 40601. The complainant shall be notified of the final resolution of the appeal within sixty (60) calendar days of the receipt of the appeal. This appeal opportunity constitutes the second and final level in the agency's complaint process.

VIII. Compliance/Noncompliance Reporting

The KDE shall make every effort to regulate, monitor, review and report on the federal programs to assure compliance. Upon receipt of a complaint by an individual or at the time the compliance coordinator becomes independently aware of the actions that may indicate non-compliance, an investigation will be initiated and completed within ninety (90) calendar days. The investigation will include a review of the pertinent practices and policies of the recipient, the circumstances under which the possible non-compliance occurred, and other factors relevant to determining whether the recipient is non-compliant. If there is no basis for the complaint, the individual and/or program area will be notified of the fact in writing. If there is a basis for the complaint, the compliance coordinator shall notify the individual and/or program area in writing of the violation, the corrective action to be taken, and the timetable for the corrective actions to be implemented. Corrective actions must be completed within sixty (60) calendar days of receipt of notice. Employees refusing to voluntarily comply with the Age Discrimination Act of 1975, Title II, VI, VII, and Title IX or to comply with the directed corrective actions may face disciplinary action up to and including suspension or termination.

Annually, the compliance coordinator will accumulate all complaints (the Age Discrimination Act of 1975, Title II, Title VI, Title VII, and Title IX) filed during the year for each federal program and will report those to the KDE, Office of Guiding Support Services. The report shall include a summary of the complaint, a description of the process used to evaluate the complaint, the findings, and actions implemented to correct deficiencies.

IX. Agency Training Plan

This Compliance Plan and complaint procedures are disseminated to all employees. The KDE informs new employees and contractors of the Department's compliance with all federal and state laws barring

discrimination. All new employees and contractors in the agency receive orientation material regarding discrimination and must certify they will comply with all federal statutes relating to the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972.

The compliance coordinator is available to answer any questions and to ensure adequate training and understanding.

To improve staff knowledge, capability, and effectiveness, the KDE provides diversity and sexual harassment training. Training may be conducted by a trainer from the Education and Workforce Development Cabinet or completed via an on-line course or within a classroom at the Governmental Services Center (GSC). Completion of these trainings is mandatory for all employees, including full-time, part-time, interim and contractors.

X. Goals and Evaluation Procedures

The KDE is an equal opportunity employer. Employment goals are established in compliance with the Kentucky Board of Education minority employment goal and the state affirmative action plan.

A. GOALS

The Department establishes the following goals:

1. No applicant and/or eligible individual shall be excluded from participation in any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic orientation, political affiliation, or veteran status;
2. No applicant and/or eligible individual shall be denied the benefits of any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic orientation, political affiliation, or veteran status;
3. No applicant and/or eligible individual shall be otherwise subjected to discrimination under any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic orientation, political affiliation, or veteran status; and
4. That substantiated complaints, if any, shall continuously decrease and be resolved to the satisfaction of all parties.

The KDE's internal process to meet the above goals and for ensuring a diverse workforce includes the following:

- Interview panels must contain a minimum of three (3) people, one (1) of whom must be a minority;
- A minimum of three (3) candidates must be interviewed, one (1) of whom must be a minority if qualified and identified.

This process is monitored and enforced by the Division of Resource Management. Bimonthly, the Compliance coordinator provides written progress reports containing statistical data on employment at the agency to the Kentucky Board of Education.

In an effort to provide corrective procedures, the KDE attempts to update personnel and contractors on the continual importance of equitable practices that provide equal opportunities and fair and agreeable work environments.

Training for staff is arranged by the Division of Resource Management.

B. EVALUATION – Plan Deficiencies, Updates, and Corrective Procedures

The KDE shall evaluate and measure its goals in the following manner:

- The compliance coordinator will annually review the Compliance Plan to identify deficiencies and existing needs; will provide updates, corrections, or changes to the Auditor of Public Accounts and the Kentucky Human Rights Commission by July 1 of each year;
- The compliance coordinator will submit a report annually to the KDE, Office of Guiding Support Services on all complaints filed under the Age Discrimination Act of 1975, Titles II, VI and IX investigated, substantiated, and resolved by the Department;
- The compliance coordinator will submit quarterly reports to the Personnel Cabinet's Office of Diversity and Equality;
- The KDE's Compliance Plan will be available to all staff;
- The Division of Resource Management will provide information to all staff regarding discrimination and will incorporate this information in the new employee orientation training.

The federal grants awarded to the Department identify covered program evaluation standards and indicators to be included within the state plans to assess service delivery and consumer satisfaction. Customer satisfaction surveys, on-site monitoring and program evaluations provide tools to assess service delivery consistent with the Age Discrimination Act of 1975, Title II, VI, VII, and IX goals.

XI. Public Notice and Outreach

Information regarding the KDE's programs, resources, services, and positions are available to all without regard to age, disability, race, color, sex, national origin, sexual orientation, age, gender identity, genetic orientation, political affiliation, or veteran status at www.education.ky.gov. The KDE's Compliance Plan is also available to all on this site.

Additionally, the Office of Career and Technical Education area technology centers must publish a classified advertisement in a well-circulated newspaper in the service area of the institution. It must affirm their nondiscrimination policy statement and identify their Equal Employment Opportunity Coordinator's name, address and telephone number. A brief summary of vocational programs and admission criteria should be included in the announcement.

XII. Recordkeeping and Reporting

Complaints received by the KDE will be handled by the compliance coordinator. Any complaints received by the coordinator will be maintained in a log including date of receipt, determination, and action taken. The complaint log will be retained for a period of no less than four (4) years.

Changes in the Compliance Plan will be provided to all employees including contractors and will be forwarded to the State Auditor. The Compliance Coordinator will ensure that updates are disseminated to all staff, including federal grant coordinators, and the coordinators will ensure that all grant recipients have been notified of the Compliance Plan and compliance process.

Each office/division in the Department maintains a data collection system concerning statistical characteristics of its applicants and beneficiaries of covered programs. Service delivery and outcomes statistics are collected and reported annually to federal oversight agencies. Program audits are conducted by federal regional program coordinators.

Requisite programmatic and statistical records for compilation and reporting under this section shall be maintained by the office/division in the Department for the time periods required by law or until resolution of a pending complaint or audit initiated during that time period consistent with the provisions of Titles 29 & 34 of the Code of Federal Regulations.

Offices/divisions in the KDE are tasked with collecting data demonstrating the participation of members of protected parties in programs and activities.

XIII. Representation on Agency Board

Pursuant to KRS 156.029, a board appointed by the Governor of the Commonwealth, governs the KDE. The Board consists of eleven (11) members appointed by the Governor, with the president of the Council on Postsecondary Education serving as an ex officio nonvoting member. The current Kentucky Board of Education consists of nine (9) members:

- 1- African American Male
- 1- Hispanic or Latino Male
- 5- White Males
- 2- White Females

A. KDE Staff (as of 4/30/2014)

Race	Number	Percentage
White	1135	93%
Black/African American	69	6%
Hispanic/Latino	6	0.5%
American Indian/Alaskan Native	1	0.1%
Asian	1	0.1%
Native Hawaiian/Other Pacific Islander	0	0%
Two or More Races	4	0.3%
Other	0	0%
Total	1219	100%
Total White	1135	93%
Total Minority	84	7%

APPENDIX

Policy Statement on Diversity

The Kentucky Department of Education (KDE) recognizes that continued success in meeting the needs of our customers, both internal and external, requires the full and active participation of talented and committed individuals regardless of their race, color, national origin, sex, age, religion, sexual orientation, gender identity, genetic information, veteran status, or disability. By fostering an atmosphere of acceptance and support, we can begin to value and appreciate the strengths afforded by the differences, styles, ideas, and organizational contributions of each and every person.

The ultimate goal of workplace diversity will be achieved when the KDE has further enhanced its ability to recruit, retain, tap the full potential of employees at all levels, and is diverse enough to:

1. Allow all offices and area technology centers within KDE to compete for qualified employees from an increasingly diverse applicant pool;
2. Be more reflective of the population and socioeconomic circumstances of Kentucky's citizens and the areas in which KDE has employment opportunities; and
3. Eliminate biases that may be in the state government workforce.

Diversity complements the other organization values of teamwork, leadership, empowerment and service quality and encompasses the way we work, the work environment, and respect for people and ideas. Diversity includes everyone and everything. While its major focus may often revolve around issues of previous discrimination based on race and gender, it is not something that is defined, or limited solely by those two factors. Diversity also extends to age, personal and work history, education, function, and personality – including lifestyle, sexual orientation, gender identity, tenure with the organization, merit and non-merit status, and management or non-management position. It also encompasses varying management styles and ways of thinking, leadership abilities, skill levels, experiences, viewpoints, expressions of thoughts, and differing ways of delivering services provided there is consistency in the values we share.

Success in diversity requires inclusion. It stresses equal opportunity and recognizes and respects the multitude of differences that employees bring to the workplace as well as acknowledges the changing “face” of the community we service. The full cooperation and affirmation of diversity by all state employees, including management, is expected.

Policy Statement on Harassment Prevention

The Kentucky Department of Education (KDE) does not tolerate harassment of any kind. All employees must avoid offensive or inappropriate behavior at work and are responsible for assuring that the workplace is free from harassment at all times. Types of prohibited conduct include, but are not necessarily limited to: harassment because of one's race, color, national origin, sex, age, religion, sexual orientation, gender identity, genetic information, veteran status, disability, or political affiliation.

Examples of prohibited conduct include, but are not limited to threatening, offensive or unwelcome conduct including: abusive verbal language directed toward an individual because of sex, race, color, age, religion, national origin, sexual orientation, gender identity, or disability; lewd or obscene comments about an individual's body, attire, or gender, including abusive comments or terminology addressed to a specific employee; vulgar or indecent gestures, language, or jokes; bringing or displaying a lewd or obscene object, book, magazine, photograph, cartoon, calendar, picture, or similar item into the workplace; or use of computers to transmit, solicit, display, or download lewd or obscene messages or materials.

Complaints of harassments should be promptly and carefully investigated. Agencies should ensure that employees will be free from any and all reprisal or retaliation from filing such complaints. Further, all employees are assured that they will be free from any and all reprisal and retaliation for participating in an investigation of harassment.

Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, has a duty to immediately bring the problem to the attention of his or her supervisor. If the employee's supervisor is the subject of the problem, the employee has a duty to immediately notify his or her second-line supervisor of the problem. Employees may also bring the complaint to the attention of the agency EEO Coordinator. Any supervisor receiving a complaint of harassment shall report the complaint to the agency EEO Coordinator or the State EEO Coordinator. Failure to do so shall be grounds for disciplinary action. For guidance on the complaint filing process, employees may contact the agency EEO Coordinator at (502) 564-3716 or the State EEO Coordinator at (502) 564-8000.

The investigation will include, but shall not be limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees are assured that the privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by the circumstances.

The appropriate host agency will review its findings with the complainant at the conclusion of the investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge will be taken to stop harassment and prevent its recurrence.

Policy Statement on The Americans with Disabilities Act (ADA) and The Americans with Disabilities Act Amendments (ADAA)

The Kentucky Department of Education (KDE) is committed to the full implementation of the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments (ADAA). It is the policy of the KDE to maximize the full inclusion and integration of people with disabilities in all aspects of employment and all programs, services, and activities.

All employees must comply with the following policies regarding the ADA & ADAA:

- **Discrimination Prohibited:** Employees with disabilities who are otherwise qualified may not be discriminated against in any areas of employment including, but not limited to, job application and compensation procedures, fringe benefits available by virtue of employment, and activities sponsored by the state.
- **Limiting, Segregating, and Classifying:** Employees with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status.
- **Contractual or Other Arrangements:** The KDE will not participate in contractual or other arrangements or relationships that would subject qualified employees with disabilities to the discrimination prohibited by the ADA and ADAA.
- **Reasonable Accommodations:** The KDE will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability, unless it can be shown that the accommodation would impose an undue hardship on the agency. After a qualified employee requests reasonable accommodation, all agencies will make every reasonable effort to find out what is needed and provide the appropriate accommodations. This is to be an interactive process with the agency consulting with the employee with a disability.
- **Retaliation and Coercion:** The KDE will not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA or because that individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA. Employees who believe they have been adversely impacted in violation of this policy may file a complaint as set forth in the KDE Consolidated Compliance Plan or as outlined in the Employee Grievances and Complaints section of the Personnel Cabinet employee handbook.



Kentucky Department of Education

DISCRIMINATION COMPLAINT FORM

You do not have to use this form to file a complaint with the Kentucky Department of Education (KDE). You may send KDE a letter or e-mail instead of this form, but the letter or e-mail must include the information in items one through nine and item fourteen of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed.

1. Name of person filing this complaint:

Last Name: _____ First Name: _____ Middle Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone: _____ Work Telephone: _____

E-mail Address: _____

2. Name of person discriminated against (if **other** than person filing). If person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

Last Name: _____ First Name: _____ Middle Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone: _____ Work Telephone: _____

E-mail Address: _____

3. KDE investigates discrimination complaints against KDE staff and KDE program areas receiving and/or administering funds from the U.S. Department of Education that are subject to the provisions of with the Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. KDE also investigates discrimination complaints against KDE staff and KDE program areas subject to Title VII of the Civil Rights Act of 1964. Please identify the staff member or KDE program area that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Individual: _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Program Area (if known) _____

4. The regulations KDE enforces prohibit discrimination on the basis of race, color, national origin, sex, sexual orientation, religion, age, gender identity, genetic information, political affiliation, veteran status, disability, or retaliation. Please indicate the basis of your complaint:

Discrimination based on:

Race	Color	National Origin	Sex	Sexual Orientation
Religion	Age	Gender Identity	Genetic Information	
Political Affiliation	Veteran Status		Disability	Retaliation

Specify:

5. Please describe each alleged discriminator act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

6. What is the most recent date you were discriminated against?

7. If the allegations contained in this complaint have been filed with any other Federal, state, or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your claim based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: _____

Date File: _____

Case Number or Reference: _____

Results of Investigation/Findings by Agency or Court: _____

8. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information is not required, but it will be helpful to us.

Last Name: _____ **First Name:** _____ **Middle Name:** _____

Home Telephone: _____ **Work Telephone:** _____

E-mail Address: _____

9. What would like the KDE to do as a result of your complaint – what remedy are your seeking?

10. We cannot accept you complaint if it has been signed. Please print your name, sign and date your complaint below.

Printed Name

Signature

Date

Printed Name (Individual in Item 2)

Signature

Date

Please mail the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help KDE understand your complaint to the Compliance Coordinator.

Compliance Coordinator
Rebecca Ogden, Assistant Director
Division of Resource Management
Kentucky Department of Education
500 Mero Street, 16th Floor Capital Plaza Tower
Frankfort, KY 40601
Phone: 502/564-3716 Ext. 4315
Rebecca.Ogden@education.ky.gov

CONSENT FORM FOR USE OF PERSONAL INFORMATION

Complainant's Name (print or type): _____

KDE Staff Member and/or KDE Program Area Against Which Complaint is Filed:

Please sign and date section A, section B, or section C and return to the address below:

- A. I give KDE my consent to reveal my identity (and/or that of minor child/ward on whose behalf the complaint is filed) to the KDE staff member and/or program area alleged to have discriminated, as well as other persons or entities, if KDE, in the course of its investigation or for enforcement activities, finds it necessary to do so.

Printed Name

Signature

Date

OR

- B. I **DO NOT** give KDE my consent to reveal my identity (and/or that of minor child/ward on whose behalf the complaint is filed). I understand that KDE may have to close this complaint if KDE is unable to proceed with an investigation without releasing my identity (and/or that of minor child/ward on whose behalf the complaint is filed).

Printed Name

Signature

Date

- C. Alternatively, if you are not filing this complaint on your own behalf or on behalf of your own minor child/ward, you are responsible for obtaining written consent from the person on whose behalf the complaint is filed or, if he or she is a minor, that person's parent/guardian.

I have read this document, and I agree with the person who filed this complaint. I wish you to proceed with KDE's investigation and resolution process. I give my consent for KDE to reveal my identity (and/or that of my minor child/ward on whose behalf the complaint is filed) to other persons to the extent necessary for the purpose of resolution or investigation of this complaint.

Printed Name

Signature

Date